

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MISSOURI**

PHILLIP MARCH,	§	
Plaintiff	§	
	§	
v.	§	CILVIL ACTION NUMBER
	§	
DIVISION OF SOCIAL	§	
SERVICES, et al	§	
Defendants	§	
	§	
	§	
	§	

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE
RELIEF AND TEMPORARY RESTRANING ORDER**

The Plaintiff alleges:

1. The Plaintiff brings this action under 42 U.S.C. § 1983 against unconstitutional state actions to remedy a pattern or practice of conduct by agents, servants, members and employees of the State of Missouri that deprives the Plaintiff of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.
2. The State of Missouri and through its offices, agents, servants, members and employee's has engaged in a pattern or practice to deny individuals like the Plaintiff [D]ue process under the Fourteenth Amendment and fundamental right to an impartial tribunal which pre-dates – and is preserved by the Ninth and Tenth Amendments to – the Constitution along with other guarantees of the Bill of Rights. The State of Missouri has tolerated this conduct through its failure to adequately take proper steps to remedy the misconduct, after being warned and on notice through its officers, agents, servants, members and employees.

DEFENDANT

3. The Division of Social Services ("DSS") is a body corporate in the State of Missouri, Broadway State Office Building P.O. Box 1527 Jefferson City, MO 65102-1527

4. The Missouri Eastern District Court of Appeals is a body corporate in the State of Missouri, 815 Olive St, St Louis, MO 63101

5. The 21st Judicial Circuit Court is a body corporate in the State of Missouri, 7900 Carondelet Avenue, Clayton, Missouri 63105

6. The State of Missouri (Attorney General) 207 W High St, Jefferson City, Missouri 65101

JURISDICTION AND VENUE

7. This Court has jurisdiction over this case pursuant to 42 U.S.C. § 1983

8. This Court has jurisdiction of this action under 28 U.S.C. § 1331 because the acts complained of raise federal questions under the Constitution and laws of the United States.

9. This Court has Jurisdiction to grant declaratory judgment conferred by 28 U.S.C. § 2201 and 28 U.S.C. § 2202.

10. This Court has supplemental subject matter jurisdiction over state law claims alleged herein pursuant to 28 USC 1367(a), in that the claims are so related to the federal claims that they form the same case of controversy.

11. Venue is proper in the United States Eastern District of Missouri pursuant to 28 U.S.C. § 1391, as the defendant resides in and the claim arose in the Eastern District of Missouri.

FACTUAL ALLEGATIONS

12. The Defendants have engaged and continue to engage in a pattern or practice of conduct that deprives the Plaintiff of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States. This deprivation includes, but is not limited to:

- a.** the Defendants proximately caused a deprivation of the Plaintiff federally-protected rights.
- b.** the Defendants acted improperly using and ignoring the laws of the State of Missouri and the United States to deprive the Plaintiff of federally-protected rights.
- c.** the Defendants denied the Plaintiff of Constitutional rights.
- d.** the Defendants exercised power possessed by virtue of state law and made possible only because they were clothed with the authority of state law.
- e.** the deprivation represents an abuse of authority and/or lies outside the authority of the Defendants because they were acting within the scope of their employment under the color of law.
- f.** concealing judicial disqualifications, their association, friendship and past working relationship with the Plaintiff's opposing party while under a duty to disclose.
- g.** issuing orders and decision after being disqualified by law.
- h.** committing fraud upon the court by failing to disclose information to secure a benefit for themselves or another.
- i.** the Defendants violated the United States Constitutional rights of the Plaintiff.
- j.** the Defendants did affirmative acts and failed to perform acts that they were legally required to do that caused the deprivation of the Plaintiff Constitutional rights.
- k.** the Defendants violated clearly established statutory or constitutional rights of which a reasonable person would have known.
- l.** the Defendants violated the substantive and procedural due process rights of the Plaintiff, the equal protection of the laws, and those rights from the Bill of Rights incorporated by the Due Process Clause of the Fourteenth Amendment.

m. the Defendants deprived the Plaintiff of those rights in the Bill of Rights made applicable to the states through incorporation; claims under the substantive component of the Due Process Clause that bars certain arbitrary, wrongful government actions, regardless of the fairness of the procedures used to.

n. Due Process Clause prohibits the deprivation of life, liberty, or property without fair procedure.

o. the Defendants denied the Plaintiff an impartial tribunal.

p. the willfulness of the Defendants, characterized by “open defiance or reckless disregard of a Constitutional requirement” of record establishes a violation of rights under color of law. Failure to follow proper procedure has resulted in a violation of the Plaintiff’s Civil and Constitutional Rights.

13. The Defendants have tolerated the misconduct of individual officers, described in paragraphs above, through its acts or omissions. These acts or omissions include, but are not limited to:

q. the Plaintiff has just cause to believe that he was not given a fair trial and could not have a fair trial due to fact that the presiding judge was friends and had a past working relationship with the person he was litigating against; and that the judge failed to disclose the association; and

r. that this silent concealment obstructed justice, abridged the Plaintiff due process rights under the Fourteenth Amendments.

s. fair procedures were not used to prevent the wrongful deprivation of interests and the Plaintiff did not receive a guarantee of basic fairness.

t. the Plaintiff has just cause to believe that he was not given fair consideration and could not have received fair consideration due to the issues alleged.

CAUSE OF ACTION

14. Through the actions described in paragraphs above, the state of Missouri has engaged in unconstitutional state actions and continues to engage in this pattern or practice of conduct by its officers, agents, servants, members and employees that deprives persons like the Plaintiff of rights, privileges, or immunities secured or protected by the Constitution (the Fourteenth Amendment) or the laws of the United States, in violation of 42 U.S.C. §1983.

PRAYER FOR RELIEF

15. The Plaintiff under 42 U.S.C. § 1983 seek a temporary restraining order, declaratory, injunctive and equitable relief against unconstitutional state actions that procured orders, decision and mandates issued by Missouri Eastern District Court of Appeals. The orders, decision and mandates were issued by depriving the Plaintiff of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States; and

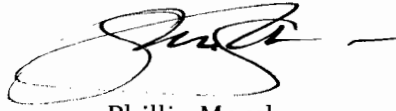
a. to restrain the DSS from enforcing all orders, decision and mandates issued by Missouri Eastern District Court of Appeals; and

b. the 21st Judicial Circuit Court from enforcing orders, decision and mandates issued by Missouri Eastern District Court of Appeals; and

c. other officer, agents, servants, members and employees known and unknown of the State of Missouri from enforcing orders, decision and mandates issued by Missouri Eastern District Court of Appeals in ED96630 captioned as Johnson v. March, 376 SW 3d 26 - Mo: Court of Appeals, Eastern Dist., 4th Div. 2012.

WHEREFORE, the Plaintiff prays that the Court issue a temporary restraining order, declaratory, injunctive and equitable relief against orders, decision and mandates issued by the Missouri Eastern District Court of Appeals and order such other appropriate relief as the interests of justice may require.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Phillip March', with a horizontal line extending to the right.

Phillip March
40 Oliver
Saint Louis, MO 63135
314.437.8218
phmnq6@umsl.edu
Pro Se for Plaintiff